

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:12-CV-157-MOC-DCK**

**STERLING BEDDING INC., f/k/a** )  
**CAROLINA BEDDING, INC. f/k/a** )  
**CAROLINA BEDDING AND** )  
**FURNITURE, INC.,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**KYLE SHERATT,** )  
 )  
**Defendant.** )  
\_\_\_\_\_ )

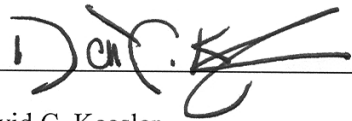
**ORDER**

**THIS MATTER IS BEFORE THE COURT** *sua sponte* regarding the filing of “Defendant’s Motion To Dismiss Plaintiff’s Complaint” (Document No. 4) filed March 16, 2012. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

Plaintiff’s response to the pending motion was due on April 2, 2012. The undersigned entered an Order on April 10, 2012 (Document No. 9) granting an extension of time to file a response on or before April 16, 2012. To date no response has been filed, and the time to do so has lapsed. The Court advises Plaintiff that failure to respond may result in Defendant being granted the relief he seeks, that is, the dismissal of the Complaint.

**IT IS THEREFORE ORDERED** that Plaintiff shall file a response to the pending “Motion To Dismiss Plaintiff’s Complaint” (Document No. 4) on or before **April 26, 2012**. Failure to file a timely and persuasive response will likely lead to the dismissal of this lawsuit.

Signed: April 19, 2012

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler  
United States Magistrate Judge

